

An act to amend Section 42034.2 of the Public Resources Code, relating to solid waste.

SECURED
COPY



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 42034.2 of the Public Resources Code is amended to read:

42034.2. (a) (1) On or before the end of the 2022–23 fiscal year, and ~~once every three months on March 1 and September 1 of each year thereafter~~, a program operator shall pay to the department an administrative fee. The department shall set the fee at an amount that, when paid by every covered entity, is adequate to cover the department's and any other state agency's projected full costs of administering and enforcing this chapter. The chapter, including any incurred costs that have not been reimbursed. Before March 1 and September 1 of each year, the department shall compare the total amount of fees collected for the operative billing cycle to the total actual and reasonable costs of administering and enforcing this chapter over the same period so that the total amount of fees collected shall is adequate and does not exceed the state's full actual and reasonable regulatory costs to implement and enforce this chapter. These costs may include the actual and reasonable costs associated with regulatory activities pursuant to this chapter before submission of stewardship plans pursuant to Section 42032.

(2) For a stewardship organization, the administrative fee paid pursuant to paragraph (1) shall be funded by the covered entities that make up the stewardship organization. This administrative fee shall be in addition to the charge paid pursuant to Section 42034. A stewardship organization may require its participating covered entities to pay the administrative fee and the charge paid pursuant to Section 42034 at the same time.

(b) The department shall deposit administrative fees paid by a program operator pursuant to subdivision (a) into the Pharmaceutical and Sharps Stewardship Fund, which is hereby established. Upon appropriation by the Legislature, moneys in the fund may be expended by the department, the state board, and any other agency that assists in the regulatory activities of administering and enforcing this chapter. Upon appropriation by the Legislature, moneys in the fund may be used for those regulatory activities and to reimburse any outstanding loans made from other funds used to finance the startup costs of the department's activities pursuant to this chapter. Moneys in the fund shall not be expended for any purpose not enumerated in this chapter.



LEGISLATIVE COUNSEL'S DIGEST

Bill No. _____
as introduced, _____.
General Subject: Solid waste: pharmaceutical and sharps waste stewardship.

Existing law establishes a stewardship program, under which a program operator, as defined, is required to submit to the Department of Resources Recycling and Recovery a complete stewardship plan for collecting and properly managing covered products, including drugs and home-generated sharps. Existing law requires a program operator to implement its stewardship plan once it is approved by the department. Existing law requires the department to adopt regulations to implement the program.

Existing law requires a program operator to pay an administrative fee, to cover the costs of administering the program, to the department on a quarterly basis. Existing law prohibits the total amount of fees collected from exceeding the state's actual on reasonable cost to administer the program.

This bill would require payment of the administrative fee every 6 months, instead of quarterly. The bill would replace the prohibition on fees exceeding the costs of administering the program with a requirement for the department to perform a semiannual reconciliation to ensure that the total fees collected do not exceed the state's actual and reasonable cost in administering the program.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

